

BLANK ROME LLP  
Attorneys for Plaintiff  
Jeremy J.O. Harwood (JH 9012)  
405 Lexington Avenue  
The Chrysler Building  
New York, NY 10174  
(212) 885-5000

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SEATREK TRANS PTE LTD.,

Plaintiff,

- against -

REGALINDO RESOURCES PTE LTD.,

Defendant.

08 Civ. 00551 (LAP)

**AFFIDAVIT OF  
JEREMY J.O. HARWOOD**

STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

JEREMY J.O. HARWOOD, being duly sworn, deposes and says:

1. I am a member of the Bar of this Honorable Court and a member of the firm of Blank Rome, LLP, attorneys for the Plaintiff, Seatrek Trans Pte Ltd. ("Seatrek") herein. I submit this supplemental affidavit in response to the affidavit of Donald J. Kennedy, counsel for Regalindo Resources Pte, Ltd., ("Regalindo") dated March 20, 2008.

2. Mr. Kennedy quotes from the undersigned's brief and then quotes from an email from the garnishee bank's counsel that purportedly contradicts the brief. Id., ¶ 6.

3. Mr. Kennedy fails to attach the complete email chain, to which he was a party, which I attach as Exhibit 1 hereto.

4. In particular, I asked Kevin McGee, Esq., counsel for The Bank of New York Mellon ("BNYM"):

Kevin, please confirm the it is the custom and practice of The Bank of New York Mellon to accept service of supplemental service in the terms stated below by electronic means both from this firm and from Mr Kennedy's firm - in effect an "unwritten" agreement.

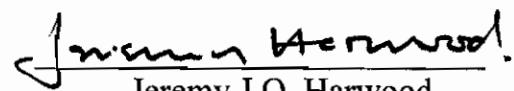
Many thanks

Ex. 1. (emphasis added)

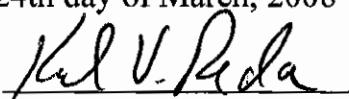
5. Mr. McGee replied:

As stated in our correspondence with Mr. Kennedy, it is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, to accept supplemental service of Process via facsimile. This would apply whether the supplemental service originated with Blank Rome, Carter Ledyard & Milburn LLP, or any other firm.

Id.

  
Jeremy J.O. Harwood

Sworn to before me this  
24th day of March, 2008



Notary Public

KARL V. REDA  
Notary Public, State of New York  
No. 30-4783126, Qual. in Nassau Cty.  
Certificate Filed in New York County  
Commission Expires

Nov. 30, 2009

## **EXHIBIT 1**

**Harwood, Jeremy J.O.**

**From:** Kevin McGee [KMcGee@rawle.com]  
**Sent:** Tuesday, March 18, 2008 2:04 PM  
**To:** Harwood, Jeremy J.O.; Kennedy, Donald  
**Cc:** erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz  
**Subject:** RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Jeremy,

As stated in our correspondence with Mr. Kennedy, it is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, to accept supplemental service of Process via facsimile. This would apply whether the supplemental service originated with Blank Rome, Carter Ledyard & Milburn LLP, or any other firm.

Very Respectfully,

Kevin L. McGee, Esquire  
Rawle & Henderson, LLP  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4431 - Phone  
215-563-2583 - Fax

-----Original Message-----

**From:** Harwood, Jeremy J.O. [mailto:jharwood@BlankRome.com]  
**Sent:** Tuesday, March 18, 2008 11:45 AM  
**To:** Kevin McGee; Kennedy, Donald  
**Cc:** erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz  
**Subject:** RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Kevin , please confirm the it is the custom and practice of The Bank of New York Mellon to accept service of supplemental service in the terms stated below by electronic means both from this firm and from Mr Kennedy's firm - in effect an "unwritten" agreement . Many thanks

**Jeremy J.O. Harwood | Blank Rome LLP**

The Chrysler Building, 405 Lexington Avenue | New York, NY 10174-0208  
Phone: 212.885.5149 | Fax: 917.332.3720 | Email: JHarwood@BlankRome.com

**From:** Kevin McGee [mailto:KMcGee@rawle.com]  
**Sent:** Tuesday, March 18, 2008 10:35 AM  
**To:** Kennedy, Donald

**Cc:** Harwood, Jeremy J.O.; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com; Carl Buchholz  
**Subject:** RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Don,

Daily service upon The Bank of New York Mellon (incorrectly referred to as "BONY" in your email and papers), was made in accordance with the Order of Judge Preska dated January 23, 2008:

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, supplemental service of Process of Maritime Attachment and Garnishment,  
as well as this Order, may be made by way of facsimile transmission or email to each garnishee....

There was/is no written agreement between plaintiff's counsel and the Bank with regard to daily service of process. However, as is The Bank of New York Mellon's standard practice, where the Court's original Order permits facsimile service of process, the Bank will accept supplemental service of Process via facsimile

Very Respectfully,

Kevin L. McGee, Esquire  
Rawle & Henderson, LLP  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4431 - Phone  
215-563-2583 - Fax

-----Original Message-----

**From:** Kennedy, Donald [mailto:kennedy@clm.com]  
**Sent:** Friday, March 14, 2008 5:01 PM  
**To:** Kevin McGee  
**Cc:** jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com  
**Subject:** RE: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473

Kevin,  
Thank you for your email.

Counsel for Seatrek Trans Pte Ltd. in their Memorandum of Law in Opposition to Defendant's Order to Show Cause stated in part on page 3:

BONY (like many other Clearing House banks) has an established policy to accept service of Rule B attachment orders, after the first hand delivery, by means of e-mail or fax, and to treat such service as effective throughout each business day on which service is made. Aff. ¶ 7. Thereafter, pursuant to BONY's agreement with Seatrek's counsel, daily service was made by electronic means. Aff. ¶ 8.  
(underscoring added)

Would you provide us with a copy of the agreement between BONY and Seatrek's counsel reference in their Memorandum of Law.

Don

Donald J. Kennedy

2 Wall Street  
New York, NY 10005  
Direct: (212) 238-8707  
Fax: (212) 732-3232  
mailto:kennedy@clm.com  
http://www.clm.com/

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**From:** Kevin McGee [mailto:KMcGee@rawle.com]  
**Sent:** Friday, March 14, 2008 3:50 PM  
**To:** Kennedy, Donald  
**Cc:** jharwood@blankrome.com; erin.schembri@bnymellon.com; robyn.monaco@bnymellon.com  
**Subject:** FW: Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473  
**Importance:** High

Service of Process details as mentioned in previous correspondence -

<<Seatrek - Service of Process.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire  
Rawle & Henderson, LLP  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4431 - Phone  
215-563-2583 - Fax

-----Original Message-----

**From:** Kevin McGee  
**Sent:** Friday, March 14, 2008 3:48 PM  
**To:** 'Kennedy@clm.com'  
**Cc:** jharwood@blankrome.com; 'erin.schembri@bnymellon.com'; 'robyn.monaco@bnymellon.com'  
**Subject:** Seatrek Trans Pte. Ltd. v. Regalindo Resources Pte. Ltd. - SDNY 08-551 - R&H File No. 442,183-473  
**Importance:** High

<<(2323877 - 1) - BNYM\_3-6-08\_ltr\_kennedy - #473.DOC>> <<Seatrek - Redacted Wire details.pdf>> <<Seatrek - Redacted Wire details.pdf>>

Very Respectfully,

Kevin L. McGee, Esquire  
Rawle & Henderson, LLP  
The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
215-575-4431 - Phone  
215-563-2583 - Fax

\*\*\*\*\*

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